

The unit was created after the collapse of Corinthian to improve oversight of higher education institutions and enforcement of Federal laws.

Robert Kaye, a respected investigator and consumer expert from the Federal Trade Commission, was selected to be the first chief. Kaye left the post in March.

Secretary DeVos allowed this critical position to remain vacant for more than 4 months until earlier last month, when she finally announced the appointment of Dr. Julian Schmoke, Jr.

At first glance, Dr. Schmoke meets none of the requirements for the job that my colleagues and I set out in our letter.

As chief enforcement officer, Dr. Schmoke will be charged with ensuring that institutions of higher education are following Federal laws and regulations.

This will mean paying special attention to an area that poses the most risk to students and has demonstrated systemic abuse: for-profit colleges.

These are the colleges that enroll 9 percent of all postsecondary students in America, but take in 17 percent of all Federal student aid and account for 33 percent of all Federal student loan defaults.

Beyond the infamous Corinthian and ITT Tech examples, there are countless examples of for-profit colleges defrauding students, whether it be Ashford, Westwood, or DeVry.

Last year, DeVry agreed to pay the Federal Trade Commission \$100 million for defrauding students and agreed to a separate settlement with the Department of Education.

Guess who Dr. Schmoke previously worked for? You guessed it, DeVry University.

In fact, there are reports that DeVry is still under investigation by the very unit Dr. Schmoke has been appointed to lead. How is that for the fox guarding the henhouse?

If that wasn't enough, there is no discernable evidence on Dr. Schmoke's resume of any experience conducting or overseeing investigations.

Shortly after his appointment, I joined Senators BROWN, WARREN, BLUMENTHAL, and WHITEHOUSE in writing to Dr. Schmoke raising these concerns and asking him to meet with us. We are still waiting.

As Betsy DeVos orchestrates a corporate takeover of the Department of Education by for-profit interests, State attorneys general and other Federal agencies are even more important in providing aggressive oversight to protect students and taxpayers.

Betsy DeVos is doing what she can to disrupt that, too.

On September 1, the Department of Education provided notice to the Consumer Financial Protection Bureau that it was terminating its existing data-sharing agreement with the CFPB.

The Department took exception "to the CFPB unilaterally expanding its

oversight role . . ." into areas that the Department viewed as within its jurisdiction.

The CFPB has been a leader in protecting student borrowers harmed by Federal loan servicers like Navient and predatory lending practices by institutions like Corinthian and ITT Tech.

This political stunt makes clear that Secretary DeVos would rather initiate a turf war than work with other Federal agencies to fulfill the Federal Government's collective oversight responsibilities.

In announcing Dr. Schmoke as the new chief enforcement officer, Secretary DeVos said, "Protecting students has always been my top priority."

Well, Madam Secretary, your actions just don't back up that statement.

Nearly every time you have had the opportunity to stand up for students, their families, and taxpayers, you have turned your back on them.

Commonsense protections for students and taxpayers shouldn't be a partisan issue.

Secretary DeVos, I urge you to abandon this assault on students and instead work with us to strengthen America's system of higher education, to deal honestly with wrongdoing by for-profit colleges, and to increase opportunities for all Americans.

#### VOTE EXPLANATION

• Mr. NELSON. Mr. President, I was necessarily absent for today's vote on the motion to invoke cloture on Executive Calendar No. 226, Callista L. Gingrich to be U.S. Ambassador to the Holy See. I would have voted yea. •

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### CONFIRMATION OF ERIC HARGAN

• Ms. CORTEZ MASTO. Mr. President, I had expected to be able to vote on the confirmation of Mr. Eric Hargan, to be Deputy Secretary for Health and Human Service, HHS. Instead, I am in Las Vegas to grieve with and assist my fellow Nevadans in the aftermath of the worst mass shooting in modern American history.

On the question of Mr. Hargan's nomination, I want to make my opposition to his confirmation clear. I do not believe Mr. Hargan to be qualified to be a leading member of HHS. This decision is based on his prior experience, his work and statements opposing the Affordable Care Act, as well as his statements regarding the extension of the State Children's Health Insurance Program. Deputy Secretary Eric Hargan would be the highest ranking appointee at HHS, making him responsible for implementing and enforcing the Affordable Care Act, ACA, going forward. Considering the fact that the administration has repeatedly and consistently sought to undermine the ACA, I fear that someone with Mr. Hargan's views

will only aid and abet this reckless game the administration is playing with Americans' healthcare.

I hope that Mr. Hargan will surpass my expectations and serve this country well as Deputy Secretary at HHS. The role of HHS Deputy Secretary in implementing and administering the efforts of strengthening our healthcare system is too important for any other result. I believe strongly that Americans deserve affordable and accessible healthcare coverage, and I hope Mr. Hargan's actions as Deputy Director show that he agrees. However, I could not in good conscience vote to confirm someone about whom I have so many concerns. Thank you. •

#### ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-42, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost \$113 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,  
CHARLES W. HOOPER,  
Lieutenant General, USA,  
Director.

Enclosures.

TRANSMITTAL NO. 17-42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Japan.

(ii) Total Estimated Value:  
Major Defense Equipment \* \$108 million.  
Other \$5 million.  
Total \$113 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: